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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID G. STERN,

Petitioner,

v.

DAVID L. WINN, Warden,
Federal Medical Center, Devens,

Respondent.

Civ. Action No. 04-CV-10465 (NG)

DECLARATION OF PATRICK W. WARD

I, Patrick Ward, hereby make the following declaration:

1. I am employed by the United States Department of Justice, Federal Bureau of Prisons, at the Federal Medical Center in Devens, Massachusetts (FMC Devens), as an Attorney Advisor. The legal office, from which I am located, is the Consolidated Legal Center - Devens. I have been employed at this position since approximately March 24, 2002.
2. As an Attorney Advisor, I have access to numerous records maintained in the ordinary course of business at FMC Devens, as well as the Federal Prison Camp (FPC), regarding federal prisoners, including, but not limited to, documentary records, Judgment and Commitment files, and computerized records maintained on the Bureau of Prisons computerized data base, SENTRY.
3. I have access to the various databases and files concerning administrative remedy claims filed pursuant to the Administrative Remedy Program, which are maintained by the Bureau of Prisons in the ordinary course of business. In particular, I have access to SENTRY, which maintains a record of all of the administrative remedies filed by an inmate, the dates thereof, and the dispositions. These records reflect every administrative remedy claim filed by an inmate in the Bureau of Prisons, while housed in any federal institution of the Bureau of Prisons.
4. On March 17, 2004, I ran a SENTRY search to determine if inmate David Stern, Reg. No. 23799-038, had filed any administrative remedy claims under the Administrative Remedy Program in regard to the allegations in his Petition. A review of his Administrative Remedy Record revealed that he has not utilized the administrative remedy process to file a single administrative remedy submission on the issue presented in this Petition. A true and accurate

2. As an Attorney Advisor, I have access to numerous records maintained in the ordinary course of business at FMC Devens, as well as the Federal Prison Camp (FPC), regarding federal prisoners, including, but not limited to, documentary records, Judgment and Commitment files, and computerized records maintained on the Bureau of Prisons computerized data base, SENTRY.

3. I have access to the various databases and files concerning administrative remedy claims filed pursuant to the Administrative Remedy Program, which are maintained by the Bureau of Prisons in the ordinary course of business. In particular, I have access to SENTRY, which maintains a record of all of the administrative remedies filed by an inmate, the dates thereof, and the dispositions. These records reflect every administrative remedy claim filed by an inmate in the Bureau of Prisons, while housed in any federal institution of the Bureau of Prisons.

4. On March 17, 2004, I ran a SENTRY search to determine if inmate David Stern, Reg. No. 23799-038, had filed any administrative remedy claims under the Administrative Remedy Program in regard to the allegations in his Petition. A review of his Administrative Remedy Record revealed that he has not utilized the administrative remedy process to file a single administrative remedy submission on the issue presented in this Petition. A true and accurate

copy of the Administrative Remedy Generalized Retrieval screen for Petitioner David Stern, Reg. No. 23799-038, is attached as **Document E**.

5. Attached hereto please find true and correct copies of the following documents:

- A. Public Information Data Sheet;
- B. Sentence Monitoring Computation Data;
- C. Judgment and Commitment Order;
- D. Inmate Profile;
- E. Administrative Remedy History;
- F. February 2003 Initial Classification Program Review;
- G. August 2003 Program Review;
- H. January 2004 Progress Report;
- I. January 2004 Program Review;
- J. January 2004 Relocation of Supervision Request, and Acceptance;
- K. Unit Pre-Release Informational Data Form;
- L. February Institutional Referral For CCC Placement.

I declare the foregoing is true and correct to the best of my knowledge and belief, and given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 18th day of March, 2004



Patrick W. Ward
Attorney Advisor
Consolidated Legal Center - Devens

Certificate of Service

I hereby certify that a true copy of the above document was served upon (each party appearing pro se and) the attorney of record for each. Other party by mail/hand on

5/24/04
DATE


Assistant U.S. Attorney